

Smith, Jason (DOS)

From: Smith, Jason (DOS)
Sent: Monday, August 05, 2013 8:34 AM
To: Bonar, David L (DOS); David Stevenson; Donoghue, Julie M (DOS); Driggins, Lisa (DOS); Durstein III, Ralph (DOJ); Hartigan, Matthew (DOS); Heather Hall; Howatt, Robert (DOS); Iorii, Regina (DOS); James Geddes; James McC. Geddes, Esq.; John Nichols; Kowalko, John (LegHall); Lawson, Dave (LegHall); Lisa Oberdorf; Lynn M. Kernohan; Maucher, Andrea (DOS); McDowell, Connie (DOS); Noyes, Thomas G. (DNREC); Pamela Long; Pamela Scott; Price, Ruth A (DOS); Representative Kowalko ; Simpson, Gary (LegHall); Smith, Jason (DOS); Todd Goodman
Subject: Utility Bill Transparency - PSC Docket No. 13-250

Dear Parties:

Please see the below communication. The purpose of this docket is for the work group to ultimately make recommendations that will end up in front of the Commission for consideration. Let us please remember that, while although this is not a formal rate case proceeding, it is inappropriate to discuss this matter before any member of the Commission. Any communication with a Commissioner is considered ex parte communications and could cause unnecessary delays to this proceeding.

Thank you for your understanding.

Jason R. Smith

Department of State | [Delaware Public Service Commission](#)
861 Silver Lake Boulevard | Suite 100 | Dover, DE 19904
☎ (302) 736-7549 | ✉ jason.r.smith@state.de.us

From: Dallaswinslow@yahoo.com [<mailto:dallaswinslow@yahoo.com>]
Sent: Thursday, August 01, 2013 12:25 PM
To: Clint Laird; Howatt, Robert (DOS)
Cc: Advocate, Public (MailBox Resources); John Nichols; Dave Stevenson
Subject: Re: Public Advocate's petition for denying John Nichols as intervener

Thanks Clint. It's good to hear from you. By copy of my response, I ask that Bob Howatt, our Executive Director, forward your e-mail to all the other Commissioners and parties so they have the benefit of your thoughts.

As this is a matter pending before the Commission, I cannot comment before hearing all the parties' positions and arguments at a public Commission hearing.

Thanks again

Dallas

Sent from my iPhone

On Aug 1, 2013, at 12:08 PM, Clint Laird <cslaird@msn.com> wrote:

Hello Dallas –

David Bonar, Delaware's Public Advocate (PA), has petitioned you as the Presiding Officer (Chairman) of the Public Service Commission (PSC) to deny John Nichols' petition to intervene in

the matter of whether and (if affirmatively decided) how to craft a "separate, breakout of the cost of renewable energy and other legislatively-mandated energy costs" – see attached.

I write you to 1) counter the PA's arguments for denial of Nichols and 2) request you to declare your process and timeline for deciding on the PA's petition.

Countering considerations to the Public Advocate's petition to deny Nichols intervenor status:

- 1) Nichols unique knowledge and experience is not replicated by the PA and other intervenors. For 25 years I relied on (and paid for) Nichols to perform due diligence of new, complex insurance products. He combined an understanding of insurance product design with the contractual, end product.....i.e. he was able to interpret the contractual "legalese" and numerical proposal documents (i.e. selling materials) to me and other peer professionals as well as his clients. This is a talent. It is unique to Nichols and it is transferable to the tasks assigned to the PSC. Plainly stated..... understanding renewable energy and other legislatively-mandated energy costs is one task – the other task is how to explain these costs in a clear and understandable display on the consumers' electricity invoice. Not only does Nichols understand the subject matter, but, uniquely, Nichols brings experience and skills for consumer comprehension (communication) which are necessary and unavailable (in experience and sophistication) from the PA and other intervenors.
- 2) The PA is concerned that Nichols "participation as an intervenor would be cumulative and could make the proceedings unwieldy." This relates to the PA's declaration that he (the PA) "will more than adequately represent Mr. Nichols interests" and that other intervenors (like Mr. Stevenson of CRI) are similarly capable of representing Nichols interests. While unaware of Nichols unique talents per #1 above, it is understandable that the PA would presume this. A reasonable solution would be to allow Nichols as an intervenor and defer his comments to the end of the session, where Nichols could provide additional inputs as he thought useful. As for "unwieldy", I have attended PSC meetings and have confidence in the PSC's ability to run a meeting and maintain focus on the singular topic of electric invoice transparency. I am confident, based on years of interaction, that Nichols can stay on point.
- 3) The PA (Section 4) suggests that Nichols could provide written comments. Whereas this seems reasonable, it does not provide for Nichols unique input (cited in #1 above) to be available in the collaborative environment of a real-time meeting. However, it would be very useful (and appropriate) for the PA to provide his written comments in advance of the PSC meeting – and I would ask that the PSC make such a request of the PA. Specifically, an advanced statement of the PA's suggestions regarding the "separate, breakout of the cost of renewable energy and other legislatively-mandated energy costs" as displayed the public's electricity bills would be useful. See *** below for additional thoughts on this.

Request for PSC's process and timeline for deciding on the PA's petition

- 4) In the unlikely (and unfortunate) event that the PSC grants the PA's petition to deny Nichols intervenor status, there will be responsive actions so as to influence the PSC to reconsider their granting of the PA's petition. As you well know, responsive actions to reverse an adverse/controversial decision are a normal part of legal and political processes and I trust they are appropriate here....and not taken as an offense to you or the PSC.

*** (per #3 above) Whereas I do not speak for Nichols, I am aware that he has specific ideas regarding #3 above and would encourage the PA and Nichols to discuss their thoughts on electric invoice display prior to the PSC meeting.

Finally, I ask that you (or the PA) provide me with a list of other petitioners who have been cited by the PA for denial to the PSC meeting.

This is my original work. I have not discussed any feature of these remarks with any person – including Nichols. I received a copy of the PA's petition to the PSC from CRI. I have copied all names cited in my remarks and I intend to forward this email communication to others who have an interest in the transparency issue and an appreciation of Nichols' unique (potential) value to this process.

Respectfully submitted,

Clinton S. Laird
915 Centre Rd.
Wilmington, DE 19807
240-671-8864 cell
cslaird@msn.com

<John Nicholes denied PSC.pdf>

<PSC notification doc John Nichols 1 page.pdf>